IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5196 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE KUNDAN SINGH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SABERABEN WD/O MOHAMADBHAI PIRMOHAMAD PATHAN
Versus
YUSUFBHAI GANIBHAI MUNDA

Appearance:
1. First Appeal No. 5196 of 2001
MR MUKESH R SHAH for Petitioner No. 1-5
MR RAJNI H MEHTA for Respondent No. 1-2

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE KUNDAN SINGH

Date of decision: 16/12/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. Before effective hearing of this Appeal, learned Counsel Shri Shah, appearing for the appellant - claimant

sought permission to reduce the claim of Rs.1,20,000/- to Rs.60,000/-. Permission granted. Accordingly the claim stands reduced from Rs.1,20,000/- to Rs.60,000/-.

2. In pursuance of the order dated 18.11.2002 passed by this Court the respondent No.2 United India Insurance Co. Ltd. has taken positive stand and agreed to the suggestions made by learned Counsel Shri Shah for the Appellant for paying additional sum of Rs.60,000/- in all by way of lump sum amount for the full and final settlement of their claim in Appeal in addition to what has been awarded to them by the learned Tribunal. Learned Counsel Shri Mehta, appearing for the respondent Insurance Company places on record the letter dated 26.11.2002 addressed by the Deputy Manager of the Insurance Company to him stating that they have accepted the suggestion of paying additional sum of Rs.60,000/- as lump sum amount towards full and final settlement of their claim which is ordered to be taken on record. Shri Mehta further states that the Insurance Company shall deposit the additional amount of Rs.60,000/- within 6 weeks from today before the learned Tribunal. On depositing the said amount of Rs.60,000/- the learned Tribunal shall pay the same to all the appellants - claimants in the same proportion as directed by it in its impugned Award dated 22.6.2001.

In view of above, learned Counsel Shri Shah seeks permission to withdraw this Appeal. Permission granted. Disposed of as withdrawn. Notice discharged.

(B.J.Shethna, J.)

Date : December 16, 2002

(Kundan Singh,J.)

sas